



West Chester Police Department

Colonel Joel M. Herzog
Chief of Police
9577 Beckett Road, Suite 500
West Chester, Ohio 45069
(513) 759-7250

Interoffice Memorandum

To: Joel M. Herzog, Chief of Police
Fr: Captain Joe Gutman
CC: LTC Brian Rehholz
Date: 8/27/18
Re: Report # 18-1233

Report number 18-1233 is titled telecommunications harassment and the victim/reporting party is Ms. Ellen Weik. The report was filed on 4/11/18 by PO Jim Thomas.

I have concerns about both the thoroughness of this investigation as well as the timeliness in which follow-up investigative steps were taken. I would recommend that an internal investigation into this matter be initiated to determine if this case was handled appropriately by all involved.

Captain Joe Gutman 87
Captain Joe Gutman #87

I concur with this
RECOMMENDATION.
Jb8 8/27/18

Assign to I + D for investigation.

Col. Joel M. Herzog #59
8/28/18

**Internal Investigation Unit
West Chester Police Department**

Administrative Hearing Report

IIU# 18-05

Employee Subject of Hearing P.O.

Rank

James Thomas

Name

182

ID#

Charges (Charge to Include Rules & Regulation Section Number)

Issue #1 Rules and Regulations Section 2.02: Members of the department shall: b)
Thoroughly document information from citizens relating to complaints or reports in
accordance with existing department procedure. Policy 321 Incident Reporting states in
part: 321.2.2 Reporting Officer's Responsibility - Conduct a through preliminary
investigation. - Document all findings of the investigation in IFR.

Issue #2 Rules and Regulations Section 1.02 Members shall not commit or omit any acts
which constitutes a violation of any Rule, Regulation, Directive, Interim Directive,
General Order, Special Order, Policy or Procedure of the Police Department or Township
of West Chester. Policy 321 Incident Reporting states in part: 321.2.4 General Policy of
Expeditious Reporting - In general, all employees and supervisors shall act with
promptness and efficiency in the preparation and processing of all reports. An incomplete
report, unorganized reports or reports delayed without supervisory approval are not
acceptable.

Statement of Charges

Hearing Officer

Rank

Name

ID#

Date of Hearing

Time of Hearing

Location of Hearing

Persons Present at Hearing

Form IIU 8 Required

Yes ☐

No ☐

IIU Attached if Yes

Summary of Employee Statement

Hearing Summary

Finding

Recommendation

Hearing Officer _____

**Internal Investigation Unit
West Chester Police Department**

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IU# 18-05

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182
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Issue #1 Rules and Regulations Section 2.02: Members of the department shall: b) Thoroughly document information from citizens relating to complaints or reports in accordance with existing department procedure. Policy 321 Incident Reporting states in part: 321.2.2 Reporting Officer's Responsibility - Conduct a thorough preliminary investigation. - Document all findings of the investigation in IFR.

Issue #2 Rules and Regulations Section 1.02 Members shall not commit or omit any acts which constitutes a violation of any Rule, Regulation, Directive, Interim Directive, General Order, Special Order, Policy or Procedure of the Police Department or Township of West Chester. Policy 321 Incident Reporting states in part: 321.2.4 General Policy of Expedition Reporting - In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable.

Statement of Charges

On April 11, 2018 Officer Jim Thomas #182 took a Telecommunications Harassment report from Ms. Ellie Weik. (Report #18-1233) Ms. Weik reported an unknown person began sending her harassing text messages in February 2018. Ms. Weik advised the text messages were from a "Mikael" with a number of [REDACTED] The subject had also sent Ms. Weik a video of her sitting at her dining room table. The video appeared to have been taken from someone standing on her patio. On August 1, 2018 Ellie Weik's mother reported her missing. (Report #18-2752).

A timeline was created for Officer Thomas's investigation of Report 18-1233. The timeline was created using emails, report supplement, Case Management notifications, and other documents related to the report.

2/9/18-Ms. Weik began receiving text messages.

4/11/18- Officer Thomas took Report 18-1233, Telecommunication Harassment.

-Officer Thomas completed a General Condition Report in reference to Suspicious Activity at Ms. Weik's residence.

-Officer Thomas received email from Ms. Weik containing text messages and video link.

4/12/18-Officer Thomas requested subpoena contact information from Textme.com.

-Sgt. Gearhart assigned Officer Thomas as lead investigator in Case Management.

4/25/18-Officer Thomas emailed Ms. Weik saying he received the pictures she sent him and letting her know he requested subpoena contact information from Textme.com.

-Officer Thomas received a reply email from Ms. Weik thanking him for the update.

4/30/18-Officer Thomas completed a supplement stating he requested subpoena contact information from Textme.com on 4/12/18.

- Officer Thomas sent second request for subpoena contact information to Textme.com.

5/1/18-Officer Thomas received email from Ms. Weik saying she received two more texts. A screenshot of the texts was attached to the email.

5/5/18- Officer Thomas received subpoena contact information from Textme.com.

- Officer Thomas issued a subpoena request through Butler County Prosecutor's web portal.

5/6/18- Officer Thomas completed a supplement stating what he did on 5/5/18.

5/8/18- Officer Thomas received an email from Mike Thacker, Butler County Prosecutor's Office, with copies of the requested subpoenas attached.

6/5/18-Mike Thacker received email from Textme.com containing the subpoenaed information.

6/6/18- Mike Thacker emailed Officer Thomas the information from Textme.com.

6/15/18

- [10:41 AM] Officer Thomas emailed Ms. Weik letting her know he was still waiting to hear from Textme.com and asking if she received any additional texts.

- [10:44 AM] Officer Thomas emailed Mike Thacker asking if he had heard anything from Textme.com in reference to the subpoenaed information.

- [11:54 AM] Officer Thomas received a reply email from Mike Thacker containing the requested information from Textme.com.

6/21/18 -Officer Thomas emailed Ms. Weik saying he received the information from Textme.com and he would need to send out additional subpoenas to the internet providers. Officer Thomas asked if Ms. Weik had received any additional texts.

7/4/18 -Officer Thomas completed a supplement stating he received the email and IP addresses from Textme.com and requested CIS assistance with requesting additional subpoenas.

7/5 - 7/15/18 -Sgt. Gearhart off work.

7/16 - 7/31/18 -Officer Thomas off work.

7/17/18 -Sgt. Gearhart assigned Detective Randy Farris as the secondary investigator and sent a link to Officer Thomas telling him to contact Detective Farris for assistance.

8/1/18- Ms. Weik is reported missing. Report 18-2752.

8/2/18- Officer Thomas emailed Ms. Weik's emails to Detective Farris.

8/15/18 - Officer Thomas completed a supplement containing additional information in reference to Report 18-1233.

The review of Officer Thomas's investigation of Report 18-1233 shows Officer Thomas was taking steps with the investigation while working the case. There were notable gaps in the timeline where there appeared to be no action.

The investigation discovered the following issues concerning Officer Thomas's documentation of Report 18-1233:

- The initial report did not explain where the name spelling for Mikael came from.

- The report did not document Ms. Weik had an ex-boyfriend named Michael, his last name, or address. The report did not say why Officer Thomas did not treat him as a possible suspect.

- The emails and video link Ms. Weik sent Officer Thomas were not scanned in and added to the report or logged into property.
- Officer Thomas did not document he received an email from Ms. Weik on May 1, 2018 stating she received additional texts and he did not scan the messages into the report or log them into property.
- Officer Thomas did not document his attempts to evaluate the IP address information he received from Textme.com or the results when he clicked on the addresses.

Hearing Officer Colonel
Rank

Joel M. Herzog
Name

59
ID#

Date of Hearing November 27, 2018

Time of Hearing 10:08am

Location of Hearing West Chester Police Department 9577 Beckett Rd.

Persons Present at Hearing Col. Herzog, LtC. Rebholz, Lt. Haering, Sgt. Weingartner, Sgt. Tombragel, P.O. Thomas, P.O. Seitzman

Form IJU 8 Required
IJU Attached if Yes

Yes ☒

No ☐

Summary of Employee Statement

Officer Thomas read a prepared statement into the record of the hearing. Officer Thomas stated he felt he followed up on the report per policy. He stated that in no way did he not take the situation as a serious matter. He stated that when he felt he took it as far as he could, he requested assistance from CIS.

Hearing Summary

LtC. Rebholz read the charges and Sgt. Weingartner read the summary of the investigation. Officer Thomas read a prepared statement into the record. After listening to the charges, case investigation, and Officer Thomas' statement, I determined that Officer Thomas was lacking in several areas and sustained both charges. I took a 30 minute recess before returning for an administering of discipline.

Finding

Issue #1 - Sustained - Violation of Rules & Regulation Section 2.02 as stated in the investigation.

Issue #2 - Sustained - Violation of Rules and Regulations Section 1.02 as stated in the investigation.

Recommendation

I ordered that Officer Thomas will be given a 40 hour suspension without pay. Officer Thomas had been issued a PSL counseling in April of 2017, and a letter of reprimand in February of 2018, both of which were similar in nature to these issues. Officer Thomas should have had a heightened state of concern after learning that the text had been sent for several months and then a video link showing Ms. Weik inside her

residence that was surreptitiously taken from outside. Regardless of how Ms. Weik relayed her concern, these facts should have caused an experience investigator and officer reason to believe this case should be given a sense of urgency. Officer Thomas neglected to login to properly the text messages and failed to capture the video in question. It was later learned that the video link had expired and that the video was potentially lost. It was through cooperation with BCI that this video was able to be recovered.

I had to be careful to not mix what is known now and what was known to Officer Thomas at the time of the report. As this case escalated, many of these case facts were discovered that were not known at the time of Officer Thomas' investigation.

Officer Thomas was provided the name "Mikael" that the text could be coming from but he failed to question further about this potential suspect. Officer Thomas needed a stronger sense of urgency and attention to detail while investigating this case to ensure the safety of the victim. That did not occur.

Hearing Officer


Signature

12/11/18
Date

Distribution
Chief of Police/Case File

Issue #1

Did Sergeant Jeff Gearhart violate West Chester Police Department Rules and Regulations Section 1.04 regarding Case Management related to Report 18-1233?

1.04 Members shall exercise the responsibility and authority of the position to which they are assigned in accordance with job specifications and standard operating procedures or practices of that assignment.

Issue #1

Did Lieutenant David Tivin #58 fail to exercise the responsibility and authority of the position of Criminal Investigation Section Lieutenant as it pertains to CIS Supervisory Responsibility for Incident Reporting? West Chester Police Department Rules and Regulations Section 1.04 states:

1.04 Members shall exercise the responsibility and authority of the position to which they are assigned in accordance with job specifications and standard operating procedures or practices of that assignment.

Issue #1

Did Officer Jim Thomas #182 fail to thoroughly document information from a citizen relating to report 18-1233 in accordance with department procedure? West Chester Police Department Rules and Regulations Section 2.02 (b) states:

2.02 Members of the department shall:

b) Thoroughly document information from citizens relating to complaints or reports in accordance with existing department procedure.

Policy 321 Incident Reporting states in part:

321.2.2 REPORTING OFFICER'S RESPONSIBILITY

- Conduct a thorough preliminary investigation.

Issue #2

Did Officer Jim Thomas #182 violate West Chester Police Department Rules and Regulations Section 1.02? West Chester Police Department Rules and Regulations Section 1.02 states:

1.02 Members shall not commit or omit any acts which constitute a violation of any Rule, Regulation, Directive, Interim Directive, General Order, Special Order, Policy or Procedure of the Police Department or Township of West Chester.

Policy 321 Incident Reporting states in part:

321.2.4 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable.

Internal Investigation Unit
West Chester Police Department

Administrative Review

IIU# 18-05

Employee: Lieutenant David Tivin #58, Sergeant Jeff Gearhart #167,
& Officer Jim Thomas #182.

I&D Section Lieutenant: LT Paul Hoenig 39 Date: 10-26-18

Bureau Commander: CAPT. James D. Hentz #130 Date: 11/5/18

Bureau Commander: Captain Gorman 67 Date: 11/6/18 *Comments to be added.*

Assistant Chief of Police: [Signature] 68 Date: 10/31/18

Unit Commander's Employee Insight

Unit Commander: _____ Date: _____

☐ Insight provided, see attached documentation

The Office of the Chief of Police has reviewed this investigation along with the recommended findings from the Integrity and Development Section and the following decision has been made:

- ☒ CONCUR WITH FINDINGS *Issue 3 Sgt. Gearhart + Lt. Tivin* *Issue 4*
- ☐ DO NOT CONCUR WITH FINDINGS / OTHER FINDING
- ☐ RETURN FOR ADDITIONAL INVESTIGATION
- ☒ ADMINISTRATIVE HEARING REQUESTED *Issues 1 + 2 P.O. THOMAS only.*

COMMENTS: ☐ Additional Comments Attached

Issue 3 + Issue 4 was determined to be an organizational issue. It was a violation of policy; however that policy had never been enacted as stated Sgt. Gearhart + Lt. Tivin were verbally admonished on keeping current on policies affecting their assignment. Measures have been taken to alleviate any future issues.

Chief of Police: [Signature] 59 Date: 11/07/18

Original to Case File

☐ Return to I&D for Notification

**West Chester Police Department
Support Bureau
Police Integrity and Development Section**

Date: April 11, 2018
Date Assigned: August 29, 2018
IU#: 18-05
Investigator(s): Sgt. Mark Weingartner #67
Complainant: Office of the Chief of Police
Officer(s) Involved: Lieutenant David Tivin #58, Sergeant Jeff Gearhart #167, & Officer Jim Thomas #182

Background

On April 11, 2018 Officer Jim Thomas #182 took a Telecommunications Harassment report from Ms. Ellie Weik. (Report #18-1233) Ms. Weik reported an unknown person began sending her harassing text messages in February 2018. Ms. Weik advised the text messages were from a "Mikael" with a number of [REDACTED]. The subject had also sent Ms. Weik a video of her sitting at her dining room table. The video appeared to have been taken from someone standing on her patio. On August 1, 2018 Ellie Weik's mother reported her missing. (Report #18-2752).

Complaint

The complaint is in reference to the thoroughness and timeliness of Report 18-1233.

Issue #1

Did Officer Jim Thomas #182 fail to thoroughly document information from a citizen relating to report 18-1233 in accordance with department procedure? West Chester Police Department Rules and Regulations Section 2.02 (b) states:

2.02 Members of the department shall:

b) Thoroughly document information from citizens relating to complaints or reports in accordance with existing department procedure.

Policy 321 Incident Reporting states in part:

321.2.2 REPORTING OFFICER'S RESPONSIBILITY
- Conduct a thorough preliminary investigation.

- Document all findings of the investigation in IFR.

Issue #2

Did Officer Jim Thomas #182 violate West Chester Police Department Rules and Regulations Section 1.02? West Chester Police Department Rules and Regulations Section 1.02 states:

1.02 Members shall not commit or omit any acts which constitute a violation of any Rule, Regulation, Directive, Interim Directive, General Order, Special Order, Policy or Procedure of the Police Department or Township of West Chester.

Policy 321 Incident Reporting states in part:

321.2.4 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable.

Issue #3

Did Sergeant Jeff Gearhart #167 violate West Chester Police Department Rules and Regulations Section 1.04 regarding Case Management related to Report 18-1233?

1.04 Members shall exercise the responsibility and authority of the position to which they are assigned in accordance with job specifications and standard operating procedures or practices of that assignment.

Issue #4

Did Lieutenant David Tivin #58 fail to exercise the responsibility and authority of the position of Criminal Investigation Section Lieutenant as it pertains to CIS Supervisory Responsibility for Incident Reporting? West Chester Police Department Rules and Regulations Section 1.04 states:

1.04 Members shall exercise the responsibility and authority of the position to which they are assigned in accordance with job specifications and standard operating procedures or practices of that assignment.

Investigation

August 29, 2018

IIU 18-05 was assigned to the Integrity and Development Unit for investigation and the complaint was reviewed.

September 5, 2018

In order to investigate the thoroughness and timeliness related to Report 18-1233, this investigation will need to look at Officer Thomas's investigation, the report approval process, and Case Management.

Lieutenant Paul Haering #39 worked with Dan Almer, IT department, to retrieve emails between Officer Thomas and Ms. Ellie Weik.

Case Management Tracking report was created and added to the report.

September 6, 2018

I requested Mrs. Jeanni Quinn #174, Central Records Section Supervisor, to provide Records Management System (RMS) notifications in ILEADS for Lieutenant David Tivin, Sergeant Jeff Gearhart, and Sergeant James Brenner #99 relating to Report 18-1233. Mrs. Quinn provided the information she was able to locate, but she is not confident all the notifications were located. Lt. Haering spoke with Ms. Christine Daley, Police Technician, requesting her to attempt to locate the notifications.

I located a General Condition/Activity Report Form in the Briefing Book in reference to Report 18-1233. The form was completed by Officer Thomas on April 11, 2018 documenting Suspicious Activity. The form was added to the file.

September 7, 2018

Officer Thomas was served IIU 1. The form was added to the report.

September 10, 2018

I began creating a timeline for Report 18-1233 using Officer Thomas's report supplements and emails.

I contacted Officer Thomas by telephone. I advised him to report for work on September 12, 2018 instead of attending scheduled training. I notified him I intend to interview him on September 12, 2018. The phone call was recorded and added to the file.

Police Technician, Christine Daley, created a report with the ILEADS notifications related to report 18-1233. The report was added to the file.

Lt. Haering, Integrity and Development Unit, worked with Dan Almer, West Chester IT Department, to retrieve emails between Officer Thomas, Textme.com, and Mike Thacker. The emails were reviewed and added to the file.

September 12, 2018

Officer Jim Thomas #182

Sgt. Matt Tombragel #106 and I interviewed Officer Thomas at approximately 0915 hours. Officer Steve Seitzman #234 and Officer Mike Veeneman #169 were present as union representatives. Officer Thomas read and signed IIU 3, Administrative Warning. The interview was recorded and added to the file. The interview is summarized and paraphrased below.

Officer Thomas confirmed he took a Telecommunication Harassment report from Ms. Ellie Weik on April 11, 2018. (Report 18-1233) Ms. Weik began receiving text messages on February 9, 2018 from an unknown person and the most recent texts were received on April 11, 2018. One of the texts received on April 11, 2018 contained a link to a video. The video was of Ms. Weik sitting at her dining room table. Ms. Weik did not recognize the phone number the texts came from. Officer Thomas requested Ms. Weik email the texts and video link to him. Officer Thomas told Ms. Weik he would try to determine who the carrier was for the phone number so he could issue subpoenas to the carrier to attempt to identify the account holder.

Officer Thomas had prepared notes and referred to them to provide the following timeline.

April 11th

- Officer Thomas took Telecommunication Harassment report from Ms. Weik.

- Officer Thomas utilized Accurant to check the phone number the texts came from and determined the number came back to a computer based program called Textme.com.
- Officer Thomas emailed Textme.com requesting a contact person to send subpoena requests for user information.

April 25th

- Officer Thomas sent email to Ms. Weik informing her the carrier was Textme.com.
- Ms. Weik replied by email, thanking Officer Thomas for the update.

April 30th

- Officer Thomas completed a supplement stating the carrier was Textme.com.
- Officer Thomas sent a second email to Textme.com, because he had not received the contact information he requested.

May 1st

- Ms. Weik emailed Officer Thomas stating she received two more text messages and attached screenshots of them.
- Officer Thomas received an email from Textme.com with their contact information for subpoenas.

May 3rd

- Officer Thomas received an email from Textme.com with their contact information for subpoenas. [They may have re-sent this email due to Officer Thomas's second email requesting this information.]

May 5th or 6th

- Officer Thomas issued a subpoena request to Butler County through their web portal to get the account information from Textme.com.
- Officer Thomas completed a supplement stating a subpoena had been requested.

Officer Thomas said he did not have any further contact with the victim, Textme.com, or the prosecutor's office until June 6th.

June 6th

- Mike Thacker, Butler County Prosecutor's Officer, sent an email to Officer Thomas containing the information requested from Textme.com.

Officer Thomas advised it is common practice for Mr. Thacker to email the information requested in a subpoena. Officer Thomas said he either overlooked this email or did not see it.

June 15th

- Officer Thomas emailed Ms. Weik informing her he was still waiting on the information from Textme.com. Officer Thomas did not receive a reply from Ms. Weik.
- Officer Thomas sent an email to Mr. Thacker requesting an update on the subpoena request.

- Mike Thacker re-sent Officer Thomas the email sent on June 6th containing the requested information from Textme.com.

June 21st

- Officer Thomas sent an email to Ms. Weik advising her he reviewed the information from Textme.com and he would need to send out additional subpoenas to the IP address and email address carriers to determine if he can locate a suspect.

June 15th – July 4th

- Officer Thomas tried a couple times to access the information he had received from Textme.com to determine if there was anything he could do.

July 4th

- Officer Thomas completed a supplement requesting Criminal Investigation Section (CIS) follow-up on the investigation.

July 15th

- Officer Thomas's last day working before going on vacation.

July 17th

- Report was returned to Officer Thomas to investigate and Detective Randy Farris #126 was assigned as secondary investigator to assist Officer Thomas.

August 1st

- Officer Thomas's first day back to work.
- Officer Thomas received the notification assigning the report back to him for investigation.
- A Missing Person report was taken in reference to Ms. Weik.

I asked Officer Thomas about the text messages Ms. Weik received in February 2018. Officer Thomas did not know how many texts were sent at that time and Ms. Weik did not show him those texts. Ms. Weik did show Officer Thomas the text messages and video she received April 11, 2018. Officer Thomas described the text messages as "someone reaching out to her", asking if she knew who they were. Officer Thomas did not see any texts that were threatening in nature. Officer Thomas believes the text Ms. Weik received in February were similar to the texts she received on April 11th. Officer Thomas viewed the text messages and the video while taking the report from Ms. Weik. The video was part of a text and the sender said, "You don't know who this is." Ms. Weik replied, "Lol". Officer Thomas said nothing appeared to suggest the sender was going to hurt her. Sergeant Tombragel asked Officer Thomas why Ms. Weik called the police and what her mental state was over the messages. Officer Thomas said he did not know. Officer Thomas believed Ms. Weik received the most recent text messages and video on April 11, 2018 and that is what prompted her to call police. Officer Thomas is not sure if Ms. Weik received any text messages between February 9, 2018 and April 11, 2018. Officer Thomas confirmed he viewed the video link. The video was of Ms. Weik inside her residence and appeared to have been filmed by someone outside the home. Officer Thomas gave Ms. Weik his department email address and requested her to send him everything she had.

I asked Officer Thomas about his report stating Ms. Weik received a text asking what she thought about 9/11. Officer Thomas advised this was in reference to a text he did not see, but one Ms. Weik described received in February. Officer Thomas said Ms. Weik did not recognize the phone number the text messages came from. I asked Officer Thomas about the report indicating the texts came from someone named "Mikael", but there was no explanation where this came from. Ms. Weik provided the name and Officer Thomas believes she got this name from one of the text messages. Officer Thomas specifically asked Ms. Weik if she knew who "Mikael" was and she said the only "Mikael / Michael" she knew was her ex-boyfriend, but she did not believe the texts came from him. Officer Thomas did not identify the ex-boyfriend or get any additional information about him from Ms. Weik. I asked Officer Thomas about the spelling of "Mikael" and he said that was how Ms. Weik spelled it. Officer Thomas does not remember if she knew anyone who spelled their name this way.

Officer Thomas confirmed he received an email from Ms. Weik containing the video link and text messages she received on April 11, 2018. Officer Thomas did not scan the texts, add them to the report, or print them and log them into property. Officer Thomas said he held onto the emails waiting for additional information to come in. He submitted all the information to CIS when Ms. Weik was reported missing. He said he put in his supplement he had the emails to forward to whoever was assigned the case. Officer Thomas does not have a reason for not adding the text messages to the report or making a copy of the video.

Officer Thomas made the decision to title the report Telecommunication Harassment based on the text messages Ms. Weik received, the fact somebody was reaching out to her, and she did not know who the person was. I asked Officer Thomas if the video created any concerns the report should have been taken as a Menacing by Stalking or some other type of report. Officer Thomas said it could go either way, but that was how he titled it and he was not instructed to change it. Sgt. Tombragel asked if Ms. Weik expressed any fear or concern about the text messages or video. Officer Thomas said, "I don't recall her exact words of what she described, but um, yah she did, she did show some concern about not knowing who this is. I think that's why I took into consideration what, what she was sending me and telling me, that I, continued to reach out to her and make sure that, asking her if she had received any other text messages, um, continued to stay on Textme.com to make sure that, I had all my information, um, and then to uh, um, but like I said the last, I think the last contact that she gave me was a reply, um, sometime in May? was a reply to my email. I was not made aware of any other, any other situations occurring, um, from that time on."

I asked Officer Thomas about a supplement he completed where he documented tasks he had performed. The supplement I referred to was completed on April 30, 2018. The supplement stated Ms. Weik sent Officer Thomas the text messages and video. He investigated the phone number associated to the texts and found it came back to Textme.com. The supplement also says Officer Thomas submitted an email request on April 12, 2018 to Textme.com for the contact information for subpoenas. The supplement appears to show Officer Thomas received Ms. Weik's email and discovered the phone number came back to Textme.com on April 30, 2018, the date the supplement was completed. Officer Thomas explained he worked on the case and completed the supplement on a later date. Sgt. Tombragel asked if that is an accepted

practice. Officer Thomas said when he was assigned to CIS, it was acceptable to conduct investigative work and complete a supplement at a later date.

Officer Thomas was asked if he requested subpoenas and tried to find information for the IP addresses associated to the phone number the text messages were sent from, between June 15, 2018 (the date he received the email from Mr. Thacker with the IP addresses from Textme.com) and July 4, 2018 (the date he requested the case be assigned to a CIS detective.) Officer Thomas said he sat down a few times trying to go through the information he had. He realized he was not able to put a lot of effort into it, so he forwarded the case to CIS. Sgt. Tombragel showed Officer Thomas the email from Mr. Thacker and asked what he did with the information. Officer Thomas said he clicked on the link and he does not recall what came up, but he attempted this a few times. He determined it would take more time than what he had. Officer Thomas did not document what investigative action he took with the links or the results of these actions.

I asked Officer Thomas about the email he received from Ms. Weik on May 1, 2018 advising she received two more texts. Officer Thomas said he held onto the email and intended to complete a supplement at a later date or forward the information to CIS. I asked Officer Thomas if he identified anything in the investigation requiring any urgency or for him to ask for assistance. Officer Thomas said, "I feel that the uh, the steps that I took leading up to July 4th, um, were predominately in an, an urgent manner requesting the subpoena information as quickly as possible, um, even, even checking with Thacker to see where my, my information was, um, I made several attempts to see, what I could do with the information, um, and then forward it on to CIS, um." Sgt. Tombragel interrupted Officer Thomas and asked him about receiving the information from Mr. Thacker on June 15th, but the information was actually sent on June 6th. Officer Thomas confirmed that was correct and he overlooked the original email. Officer Thomas continued to answer the question in reference to the investigation requiring urgency or needing assistance. Officer Thomas said there was no communication with Ms. Weik for about a month or month and a half. There was no indication there were any additional videos, the texts had become more serious, anyone had actually called her, or any other contact with her.

Officer Thomas was asked about receiving automated notification when a report does not have activity for a certain period of time. He said he knows notifications are sent, but he does not know the time specifications. Officer Thomas does not remember if he received a notification in reference to the Report 18-1233. Officer Thomas advised his practice is to delete the notification when he receives it, because he is aware of the cases he is working and does not complete a supplement unless there is new information. Officer Thomas said he received notification the case was assigned back to him for investigation on August 1, 2018, his first day back from a two week vacation. On August 1, 2018 Officer Thomas became aware Ms. Weik was reported missing. Officer Thomas contacted Sgt. Gearhart, CIS, and provided him with the information he had.

Officer Thomas feels the action and steps for a proper investigation were taken. Officer Thomas described the only break in the investigation was from the time he asked the case be

assigned to CIS (July 4th) and when he received notification the case was assigned back to him for investigation (August 1st).

September 26, 2018

Sergeant Jeff Niehaus #40

Sgt. Matt Tombragel and I interviewed Sergeant Niehaus at approximately 1402 hours as a witness officer. Sgt. Niehaus read and signed IIU 3, Administrative Warning. The interview was recorded and added to the file. The interview is summarized and paraphrased below.

Sgt. Niehaus was interviewed in reference to the report approval process and Case Management, because he was one of the road patrol sergeants over Officer Thomas's squad at the time report 18-1233 was taken.

Sgt. Niehaus was questioned about the report approval process and the management of cases assigned for follow-up investigation. Sgt. Niehaus explained officers take the report in the In Field Reporting (IFR) database and submit it for approval. The report then goes into the Squad bin in ILEADS and IFR for supervisor review and approval. Sgt. Niehaus reviews reports in ILEADS and makes sure there are no errors. He does this because the errors show up in ILEADS and not in IFR. He then makes sure all the appropriate boxes are filled in, reads the supplement for content, and approves the report. The report then goes to the Records Section.

I asked Sgt. Niehaus about Report 18-1233 Telecommunications Harassment. He said he vaguely remembers someone sending pictures of the complainant inside of her own home, with the person taking the pictures outside the home. Sgt. Niehaus confirmed he approved the report and does not recall anything about the report creating urgency or Officer Thomas needing assistance with following up on the investigation. Sgt. Niehaus had a conversation with Officer Thomas about what to title the report and determined Telecommunication Harassment was appropriate.

Sgt. Niehaus said he receives two types of notifications in reference to reports. A notification is sent for "no activity" and the other is when a report is at "level 0". Level 0 is when an officer began taking a report, but has not submitted it for approval. Sgt. Niehaus forwards these notifications to the officer, because he is unsure if they receive the notification and this serves as a reminder. Sgt. Niehaus said Road Patrol Supervisors cannot see cases assigned to officers, that he is aware of. Sgt. Niehaus has no idea how Case Management works. He said Lieutenants sometimes have an activity sheet with officer's assigned cases for investigation. The Lieutenants ask the officers the status of the case, but he does not know who generates the activity sheet.

Sgt. Tombragel asked if it is the supervisor's responsibility to watch over case assignment or is it up to the officer to take care of their own business. Sgt. Niehaus believes the officers are

responsible for their cases, but ultimately it comes back on the supervisor. Sgt. Niehaus said without notifications, it is one more thing to do and as far as he knows the Lieutenants keep up with that.

September 28, 2018

Sergeant Gearhart was served IIU 1, the form was added to the file.

Sergeant Jeff Gearhart #167

Sgt. Matt Tombragel and I interviewed Sergeant Gearhart at approximately 1109 hours. Sergeant Gearhart chose to speak with us without a union representative. Sergeant Gearhart read and signed IIU 3, Administrative Warning. The interview was recorded and added to the file. The interview is summarized and paraphrased below.

Sgt. Gearhart was interviewed in reference to the report approval process and Case Management, because he was the CIS sergeant at the time report 18-1233 was taken.

Sgt. Gearhart was asked to explain his procedure for assigning reports for follow-up. He said an officer completes a report and then all of the reports go into an electronic CIS Role folder. A CIS supervisor reviews the reports. If follow-up is needed, the case is assigned to a CIS detective, road patrol officer, traffic safety officer, school resource officer, or to the appropriate officer to investigate the report. Sgt. Gearhart advised he is responsible for Case Management for all reports taken by the West Chester Police Department. He determines which reports need to be assigned for follow-up and who to assign them to. When Sgt. Gearhart is off, Lt. Dave Tivin or Sgt. Jim Brenner take on this responsibility. This responsibility is communicated prior to Sgt. Gearhart being off. Lt. Tivin completes this task unless they are both off, then Sgt. Brenner reviews and assigns cases. When a CIS supervisor assigns a case, the officer assigned the case receives an instantaneous "new case" notification. Sgt. Gearhart thinks once the officer is assigned a case, they receive a notification if there is no activity on the case for a certain period of time. Sgt. Gearhart said the exception to this no activity notification is the CIS Supplement. This supplement was created so the CIS detectives can keep a running supplement documenting their investigation without receiving the no activity notification. Sgt. Gearhart said the notification is still sent to Central Records, but they know to ignore the notification. Sgt. Gearhart believes a case has a twenty-one day due date from the time it is assigned in Case Management and the assigned officer's supervisor receives an automatic notification after the twenty-one days. Sgt. Gearhart only sees the notifications for the CIS detectives and not the road patrol officers. Sgt. Gearhart explained once a report is assigned for investigation, the person assigning the case gets notification whenever a supplement is completed. This notification is only sent to the person assigning the case and not a shared bin or mailbox. Sgt. Gearhart said a supplement can also be linked to a specific person if the officer completing the supplement sends it as a link. Sgt. Gearhart questioned whether

the system always works properly, because after he has assigned a case, he has received a linked supplement from an officer and never received the automatic supplement notification.

Sgt. Gearhart was asked how he determines which cases are assigned and who he assigns them to. Sgt. Gearhart said certain cases, like rapes and sexual offenses are assigned to a CIS detective. When he assigns general offenses, he has to look at the officer's abilities, the amount of time needed for follow-up, and work-loads. The officer's shift, work schedule, and the detective's case-load can play a role as to who is assigned a case. Sgt. Gearhart sometimes has to ask himself if the road patrol officer can get to the case quicker than a detective, depending on the detectives case assignments.

Sgt. Gearhart did not remember anything about Report 18-1233 creating any urgency or a reason not to assign the case to Officer Thomas for follow-up. Officer Thomas completed a supplement on July 4, 2018 requesting the case be assigned to CIS for follow-up. Sgt. Gearhart was on vacation beginning July 5, 2018 and his first day back to work was July 16, 2018. Officer Thomas's request to assign the case to CIS would have sat in Sgt. Gearhart's bin/mailbox and not the shared CIS Role mailbox, because Sgt. Gearhart assigned the case in Case Management. I asked Sgt. Gearhart if he was aware Officer Thomas was on vacation beginning July 16, 2018 and his first day back to work was August 1, 2018. Sgt. Gearhart did not know this and the first he knew of this is when I mentioned it.

I asked Sgt. Gearhart how cases are managed once they are assigned, to ensure they are being followed up on. Sgt. Gearhart's understanding is the road patrol boss is in charge of their officer's investigations. Sgt. Gearhart was asked how the road patrol supervisors are notified or made aware their officers are assigned a case for investigation. Sgt. Gearhart said, "I can't answer that, I don't know." Sgt. Gearhart referenced when reports were taken on paper, the yellow copies of the report were kept in a road patrol squad bin while the officer investigated the case. He said the process has not changed, the road patrol boss is responsible for managing their officer's case load. Sgt. Gearhart said CIS has started providing the road patrol supervisors with weekly reports showing their officer's case assignments. Prior to this investigation the information was not provided weekly or monthly, but was provided periodically. I referenced and showed Sgt. Gearhart the West Chester Police Department Policy 321 Incident Reporting, Section 3.2 CIS Supervision Responsibility. This section states in part:

(c) CIS supervision will, at the conclusion of each thirty day period conduct an audit of all active/open to include warrant issued cases.

- 1. Investigating Officers of active, open cases shall be contacted and requested to give an update.*
- 2. Notification to officers will be made by sending notice to the officer's shift commander who will insure that the officer forwards a response to CIS supervision within three working days.*

Sgt. Gearhart confirmed he did not conduct audits of all active/open cases at the conclusion of each thirty day period, but he did provide road patrol supervisors a list of assigned investigations

periodically. Sgt. Gearhart said he did not conduct these audits and is not aware of them being done.

Sgt. Gearhart said on August 1, 2018 when Ms. Weik was reported missing, Detective Randy Farris and Officer Thomas connected with one another and Officer Thomas provided all the information he had in reference to the Telecommunication Harassment report he took on April 11, 2018.

October 1, 2018

Officer Jim Thomas #182 – Follow-up Interview

Sgt. Matt Tombragel and I conducted a follow-up interview with Officer Thomas at approximately 1000 hours. Officer Steve Seitzman was present as union representative. The interview was recorded and added to the file. The interview is summarized and paraphrased below.

Officer Thomas was asked how he ruled out Ms. Weik's ex-boyfriend as a possible suspect given the fact the suspect knew Ms. Weik's cellphone number, where she lived, and the only "Michael / Mikael" Ms. Weik knew was her ex-boyfriend. Officer Thomas said Ms. Weik told him she did not believe the person sending the texts and video was her ex-boyfriend, she felt the texts were coming from someone else. During the first interview, Officer Thomas said Ms. Weik had concerns about not knowing where the texts were coming from. Officer Thomas said he does not remember her expressing any fear or urgency when he was taking the report.

Officer Thomas was asked about the email Ms. Weik sent him on May 1, 2018 containing a screenshot of the text messages, stating she received two more texts. Officer Thomas said he did not complete a supplement documenting this information. Officer Thomas intended to document this information in a supplement at a later date after he completed additional follow-up. Officer Thomas said he sent Ms. Weik emails on June 15 and June 21, 2018 updating her on the investigation and asking if she had received any additional text messages. Officer Thomas did not receive a reply to either email and Ms. Weik did not make any contact with Officer Thomas after the email she sent on May 1, 2018

Officer Thomas does not remember if he opened the video link Ms. Weik sent him on the day the report was taken to confirm the video link he received worked and was the video Ms. Weik showed him at the time he took the report. Officer Thomas was asked what he did with the information he received from Textme.com. He said the first opportunity he had to look at the IP address information he received from Textme.com was on June 21, 2018. He made several attempts to examine this information before he realized he did not have the time to devote to this and requested the case be assigned to CIS on July 4, 2018. Officer Thomas did not document the dates he attempted to work on the IP address information or what was discovered during these attempts.

October 2, 2018

Sergeant Tom Gabbard #115

Sgt. Matt Tombragel and I interviewed Sergeant Gabbard at approximately 1320 hours as a witness officer. Sgt. Gabbard read and signed IIU 3, Administrative Warning. The interview was recorded and added to the file. The interview is summarized and paraphrased below.

Sgt. Gabbard was interviewed in reference to the report approval process and Case Management, because he was one of the road patrol sergeants over Officer Thomas's squad at the time report 18-1233 was taken.

Sgt. Gabbard confirmed the report approval process consists of the officer completing a report, the officer then approves the report, the report goes to a shared squad supervisor mailbox, a supervisor for that squad approves the report, and then the report goes to a records mailbox and a CIS mailbox. Sgt. Gabbard approves reports in ILEADS because it gives the error codes for what needs corrected on the report and the errors do not show up in IFR. Sgt. Gabbard was allowed to review Report 18-1233 completed by Officer Thomas. He confirmed he approved the supplement completed on April 30, 2018. The supplement states Officer Thomas received the screenshots and video from Ms. Weik, but the report does not show property logged into evidence and/or the screenshots attached to the report. Sgt. Gabbard said normal procedure is for video and photos to be logged in, he does not remember any specifics related to Report 18-1233.

Sgt. Gabbard did not read anything in the supplements he approved raising concern or urgency. Sgt. Gabbard was asked about automatic notifications. He said he routinely gets notifications in the shared supervisor squad mailbox saying a case needs updated. He opens the notification, writes "update" in the narrative, and forwards the notification to the officer. Sgt. Gabbard is not familiar with the schedules or times associated with Case Management notifications. Sgt. Gabbard assumes CIS handles Case Management and sends notifications requesting investigation updates. Sgt. Gabbard said Road Patrol Lieutenants would print out sheets every now and then and give them to officers, telling them to do something with the case.

October 4, 2018

Lieutenant Michael Quinn #98

Sgt. Tombragel and I interviewed Lieutenant Michael Quinn #98 at approximately 1338 hours as a witness officer. The interview was recorded and added to the file. The interview is summarized and paraphrased below.

Lieutenant Quinn was interviewed in reference to the report approval process and case management, because he was the road patrol lieutenant over Officer Thomas's squad at the time report 18-1233 was taken.

The first knowledge Lt. Quinn had of the Telecommunication Harassment report was after Ms. Weik was reported missing. Lt. Quinn was asked about the report approval process. He said when an officer creates a report, the report is at "level 0". When the officer submits the report, it changes to "level 1" and goes to a shared supervisor squad mailbox. One of the squad supervisors then reviews the report for accuracy and ensures there are no errors in ILEADS. The squad supervisor can return the report to the officer for corrections, in which case the report returns to "level 0", or approve the report and it goes to "level 2". When the report goes to "level 2", it is sent to both Records and a CIS mailbox. Records reviews the report and when it is approved, it goes to "level 3" and the report is locked. The reporting officer can request a report be assigned back to them for follow-up or can request the report be follow-up up by CIS.

Lt. Quinn said the CIS sergeant reviews all reports taken by the West Chester Police Department. The CIS sergeant can place a clearance on the report or assign it for investigation or follow-up. The CIS sergeant determines which cases are assigned and who to assign them to. Prior to being promoted to lieutenant, Lt. Quinn was the CIS sergeant. When Lt. Quinn was assigned to CIS, he cleared all the reports. If a report came to him that had been cleared, he would "touch" it or re-clear it so the system would show all reports officially cleared by him.

Lt. Quinn was asked about automatic notification related to reports. He advised the reporting officer and their supervisors receive an automatic notification when a report has no activity for a certain amount of time. Notifications are typically handled by the squad sergeants and he is not sure what they do when they receive a notification. Lt. Quinn said road patrol supervisors are not notified or made aware when a case is assigned to an officer for investigation or follow-up. Typically, supervisors have no idea which officers are assigned cases, unless they do a search in Case Management. Lt. Quinn said, "Quite honestly, supervisors on dayshift do not have time to do the searches." Sgt. Tombragel said sometimes, in the past, lieutenants would have a list of assigned cases and request updates from the officers on their squad. Lt. Quinn said they would have to go into ILEADS and search each officer to see what cases they are assigned. When Lt. Quinn was in CIS, he would run a report of all open cases. He would print out the report and place it in the road patrol lieutenant's mailboxes. Lt. Quinn does not know if Sgt. Gearhart has continued this practice. Lt. Quinn does not receive these reports from Sgt. Gearhart, but he does not know if the sergeants receive them.

Lt. Quinn was shown the West Chester Police Department Policy 321 Incident Reporting. I referred him to Section 321.3.2 CIS Supervisory Responsibility. Lt. Quinn said he did not run audits every 30 days, but he consistently ran them about every two months. He feels every thirty days is a little much, because in CIS it is not uncommon for cases to be open longer than thirty days. When Lt. Quinn was the CIS sergeant, he would do case reviews with all the detectives in CIS. Lt. Quinn sat down individually with each detective and discussed all of their assigned cases and where they were with the investigation. Lt. Quinn was not aware audits were required every thirty days and officers had to respond within 3 working days. Lt. Quinn was promoted to

lieutenant two years ago and has not received any reports, until approximately two weeks ago, informing him of cases assigned to officers under his command.

Lt. Quinn said the current system is not the best or most efficient. It is easy for things to get lost. He said, there are some deficiencies and hopefully the new system will fix the issues.

October 11, 2018

Lieutenant David Tivin was served IIU 1, the form was added to the file.

Lieutenant David Tivin #58

Lieutenant Paul Haering and I interviewed Lieutenant Tivin at approximately 0907 hours. Lieutenant Tivin chose to speak with us without a union representative. Lieutenant Tivin read and signed IIU 3, Administrative Warning. The interview was recorded and added to the file. The interview is summarized and paraphrased below.

Lt. Tivin was interviewed in reference to the report approval process and Case Management, because he was the CIS lieutenant at the time report 18-1233 was taken.

Lt. Tivin was asked to explain the process used by CIS supervision to determine which cases are assigned for follow-up. He said the decision is based on solvability factors. Some of the factors he mentioned included if there is evidence to be processed, if a suspect is known, can a relationship between suspect and victim be determined, higher profile crimes, violent crimes, and matters that can be looked at to develop any of these factors. Lt. Tivin was asked how they decide who to assign a case to. He said they look at the experience of the reporting officer. Lt. Tivin said most cases assigned back to the reporting officer, the officer requested the case be assigned back to them. Lt. Tivin uses these opportunities as a learning tool for the patrol officer to develop investigative skills. Lt. Tivin referred to the Telecommunication Harassment report taken by Officer Thomas. He pointed out Officer Thomas was a former detective for ten years and the case was a relatively minor crime. Lt. Tivin did not assign this case to Officer Thomas, but he assumes this is the reason for assigning the case back to him for investigation.

Lt. Tivin advised one of Sgt. Gearhart's day to day responsibilities is determining which cases to assign and who to assign them to. Lt. Tivin estimates Sgt. Gearhart has been a CIS supervisor for five to six years, including his assignment in Special Investigations Unit (SIU). Sgt. Gearhart replaced Lt. Quinn as CIS sergeant when he was promoted to lieutenant. Lt. Tivin was asked if Sgt. Gearhart was provided any guidance in regards to Case Management. He said Sgt. Gearhart did assign cases in Case Management while he was in SIU and prior to Lt. Quinn being transferred from the CIS sergeant position, they worked together and Sgt. Gearhart was shown the

work flow. Lt. Tivin also worked with Sgt. Gearhart going over solvability, who to assign cases to, and how to manage and monitor case-loads.

Lt. Tivin was asked what the responsibility CIS supervision has in ensuring cases are being followed-up on. He said initially they have no responsibility, because the case are being assigned back for the purpose of follow-up. Lt. Tivin said this is normally done by notifications of inactivity. These notifications remind the officers they have a case needing to be worked on. He thinks after a case is assigned, the officer assigned the case will receive a notification if the case has no activity for thirty days. Lt. Tivin said no activity does not necessarily mean a case is not being worked on. The investigator could be waiting on subpoena information or the nature of the investigation can cause a case to be open for an extended period of time. Lt. Tivin does not see the notifications for assigned cases, because only the individual assigning the case receives the notifications. I informed Lt. Tivin the automatic inactivity notifications go to the reporting officer after fourteen days of no activity and to the reporting officer's supervisors after twenty-one days of no activity. I explained the thirty day notification is not automatic, an audit is supposed to be run every thirty days and results provided to the officer's supervisors. Lt. Tivin said it can be done a couple different ways and Case Management is just a shell view of the incident module. He explained anybody can run a query through the incident module to see what cases are assigned to who. Lt. Tivin said he has brought it up countless times at command staff meetings, supervisor's meetings, and emails that supervisors need to be monitoring the cases assigned to their officers. I referenced West Chester Police Department Policy 321 Incident Reporting. The policy says CIS supervision is responsible for running an audit every thirty days for open/active cases and providing this information to the road patrol supervisors so they can follow-up with their officers who have cases assigned to them. Lt. Tivin said he understands what the policy says, but in the twelve years he has been a lieutenant, he has never seen a report like that. Lt. Tivin believes the way they were addressing it was by sending links to individual officers and their supervisors requesting updates on cases. Lt. Tivin understands what the policy says and he stated, "This should have been taken care of. This is a day to day operation, maintenance that needs to take place." Lt. Tivin said this is the responsibility of Sgt. Gearhart. He said Sgt. Gearhart had the ability to identify the problem, but not solve the problem, so he had to take it over.

Lt. Haering referenced when the police department started using IFR and supervisors were told to stay out of ILEADS/RMS. Lt. Tivin said the benefit of IFR was the supervisor could approve reports in the field. When Captain Gutman was the lieutenant in CIS, there was a push to approve reports in ILEADS because the supervisor could see the validation errors that could not be seen in IFR. Lt. Haering asked if Lt. Tivin ran reports in Case Management to see cases assigned to his officers when he was a road patrol supervisor. Lt. Tivin said when the program was installed, he didn't even know what Case Management was. Lt. Tivin was asked if one of his sergeants on road patrol wanted to run a report of cases assigned to their officers, would he have been able to instruct them on how to run the report. He said at that time he would have not, but if that question would have been asked he would have taken steps to figure it out.

Lt. Tivin stated he is not reviewing and evaluating the patrolman's performance on a day to day basis. He feels the road patrol supervisors are abdicating their responsibilities over the assigned cases, because they are not in charge of investigating. Reports are being submitted requesting cases be closed incorrectly and the supervisor is approving the report. Lt. Tivin is

concerned if the officers and supervisors do not understand the closure process, do they understand the investigative process. Lt. Tivin said there is confusion about when a case is closed. An investigation can be closed or complete, but still open for the purposes of reporting to the state. Lt. Haering said policy puts the responsibility of case closure on CIS supervision, not the road patrol supervisor. Lt. Tivin reference Report 18-1233 taken by Officer Thomas. He said Officer Thomas had been a detective for 8-10 years and at the time of the report, was his first week assigned back to road patrol. Lt. Tivin questioned why his supervisors would not critically read his report to see how he handled it and have questions about what took place. He said when a report is approved, it is more than stamping OK. The supervisor should be approving the report as being as good as or better than what they would have done.

Lt. Tivin was asked about inactivity notifications. Lt. Tivin said inactivity notifications can come in when an officer is waiting on information they have sent a subpoena for and other cases, a notification can come in on a case an officer had forgotten about. Lt. Haering said this is why it is important to run the thirty day audits. He also advised Lt. Tivin the system only sends out one inactivity notification to the reporting officer, one to the supervisors, and after sixty days the system does not send out any additional notifications.

Lt. Tivin said he takes pride in developing sergeants who work for him. He teaches them new things and allows them to show authority in the unit. This allows them to build self-confidence and decision making. Lt. Tivin said when Sgt. Gearhart came to CIS he needed work in several areas and he has come a long way. Lt. Tivin and Sgt. Gearhart have discussed the administrative skills involved in Case Management. Lt. Tivin said it is a balancing act, because he cannot take the responsibility of Case Management from Sgt. Gearhart, because that's his job. Lt. Tivin advised the situation is being addressed and they have begun running weekly reports of open/active cases and providing them to the lieutenants at the command staff meetings.

Investigation 18-1233 Timeline

A timeline was created for Officer Thomas's investigation of Report 18-1233. The timeline was created using emails, report supplement, Case Management notifications, and other documents related to the report.

2/9/18

- Ms. Weik began receiving text messages.

4/11/18

- Officer Thomas took Report 18-1233, Telecommunication Harassment.
- Officer Thomas completed a General Condition Report in reference to Suspicious Activity at Ms. Weik's residence.
- Officer Thomas received email from Ms. Weik containing text messages and video link.

4/12/18

- Officer Thomas requested subpoena contact information from Textme.com.
- Sgt. Gearhart assigned Officer Thomas as lead investigator in Case Management.

4/25/18

- Officer Thomas emailed Ms. Weik saying he received the pictures she sent him and letting her know he requested subpoena contact information from Textme.com.
- Officer Thomas received a reply email from Ms. Weik thanking him for the update.

4/30/18

- Officer Thomas completed a supplement stating he requested subpoena contact information from Textme.com on 4/12/18.
- Officer Thomas sent second request for subpoena contact information to Textme.com.

5/1/18

- Officer Thomas received email from Ms. Weik saying she received two more texts. A screenshot of the texts was attached to the email.

5/5/18

- Officer Thomas received subpoena contact information from Textme.com.
- Officer Thomas issued a subpoena request through Butler County Prosecutor's web portal.

5/6/18

- Officer Thomas completed a supplement stating what he did on 5/5/18.

5/8/18

- Officer Thomas received an email from Mike Thacker, Butler County Prosecutor's Office, with copies of the requested subpoenas attached.

6/5/18

- Mike Thacker received email from Textme.com containing the subpoenaed information.

6/6/18

- Mike Thacker emailed Officer Thomas the information from Textme.com.

6/15/18

- [10:41 AM] Officer Thomas emailed Ms. Weik letting her know he was still waiting to hear from Textme.com and asking if she received any additional texts.
- [10:44 AM] Officer Thomas emailed Mike Thacker asking if he had heard anything from Textme.com in reference to the subpoenaed information.
- [11:54 AM] Officer Thomas received a reply email from Mike Thacker containing the requested information from Textme.com.

6/21/18

- Officer Thomas emailed Ms. Weik saying he received the information from Textme.com and he would need to send out additional subpoenas to the internet providers. Officer Thomas asked if Ms. Weik had received any additional texts.

7/4/18

- Officer Thomas completed a supplement stating he received the email and IP addresses from Textme.com and requested CIS assistance with requesting additional subpoenas.

7/5 – 7/15/18

- Sgt. Gearhart off work.

7/16 – 7/31/18

- Officer Thomas off work.

7/17/18

- Sgt. Gearhart assigned Detective Randy Farris as the secondary investigator and sent a link to Officer Thomas telling him to contact Detective Farris for assistance.

8/1/18

- Ms. Weik is reported missing. Report 18-2752.

8/2/18

- Officer Thomas emailed Ms. Weik's emails to Detective Farris.

8/15/18

- Officer Thomas completed a supplement containing additional information in reference to Report 18-1233.

Summary

Issues Concerning Officer Thomas's Documentation of Report 18-1233

- The initial report did not explain where the name Mikael came from.
- The report did not document Ms. Weik had an ex-boyfriend named Michael, his last name, or address. The report did not say why Officer Thomas did not treat him as a possible suspect.
- The emails and video link Ms. Weik sent Officer Thomas were not scanned in and added to the report or logged into property.
- Officer Thomas did not document he received an email from Ms. Weik on May 1, 2018 stating she received additional texts and he did not scan the messages into the report or log them into property.
- Officer Thomas did not document his attempts to evaluate the IP address information he received from Textme.com or the results when he clicked on the addresses.

The Timeliness of Officer Thomas's Investigation of Report 18-1233

The timeline associated with Officer Thomas's investigation of Report 18-1233 shows Officer Thomas was moving forward with the investigation and actively working the case. The facts do not identify any unreasonable delays in Officer Thomas's investigation.

Report Approval Process

- "Level 0" Report number is assigned.
- "Level 1" Reporting officer submits the report. At this point, the report goes to a shared Squad mailbox. (The road patrol lieutenant and two sergeants have access to this mailbox)
- The supervisor can reject the report back to the reporting officer for correction or additional information (report goes back to "level 0"), or the report is approved and goes to "Level 2".
- "Level 2" Supervisor approved report. Report is sent to Records and a case is created in Case Management. The report is sent to a shared CISGENERAL mailbox where the case is assigned a status.
- "Level 3" Records Section reviews the report and accepts it. The report is locked.

The reporting system generates automatic notifications to prevent reports from being forgotten about. The system generates an automatic notification when a report exists for 1 day without the reporting officer submitting the report. The system also sends an automatic notification to the reporting officer after 14 days of no activity on a case and a notification is sent to the reporting officer's supervisors after 21 days of no activity.

The ILEADS/RMS system generates validation errors that must be corrected before the supervisor can approve the report. This ensures the report is correct and meets the criteria set for electronically reporting crimes to the State of Ohio.

Upon receiving reports from subordinates, supervisors are responsible for checking them for content, correctness, proper preparation, and completeness of information. The supervisor's responsibility for reviewing reports for content and proper preparation becomes very subjective. This part of the report approval process is further challenged, because the report and subsequent supplements can be approved on different dates, times, and by different supervisors. Report 18-1233 consists of the original report and five supplements. The report and supplements were completed on five separate dates and approved by two different supervisors. Sgt. Gabbard approved the supplement Officer Thomas completed on April 30, 2018. The supplement stated Ms. Weik forwarded Officer Thomas screen shots from her phone and video. The report does not indicate the screen shots and video were scanned, added to the report, or logged into property. The error of Sgt. Gabbard approving the supplement does not rise to the level of a Policy and Procedure or Rules and Regulations violation.

Case Management

West Chester Police Department Policies and Procedures places the responsibility of Case Management on CIS supervision. The purpose of Case Management is to close cases, assign cases, and ensure assigned cases are being followed-up on. This investigation found Case Management did not impact the investigation of Report 18-1233, because Officer Thomas was actively working the case. This investigation did discover audits of open/active cases were not being conducted, as required by department policy. The failure to do audits on open/active cases eliminates the checks and balances to ensure cases are followed-up on in a timely manner and are not forgotten about.

Sgt. Gearhart handles the CIS Supervision Responsibility outlined in Policy 32I.3.2. He acknowledged he has not been running thirty day audits of open/active cases. Lt. Tivin is the lieutenant over CIS and advised he has never seen a report generated by a thirty day audit. As the lieutenant over CIS, Lt. Tivin has the responsibility to ensure the policy concerning Case Management is understood and followed. Lt. Tivin and Sgt. Gearhart have taken steps to correct this issue and have begun running weekly audits of the open/active cases and providing the report to Unit Lieutenants at the weekly command staff meetings.

Findings

Issue #1

Did Officer Jim Thomas #182 fail to thoroughly document information from a citizen relating to report 18-1233 in accordance with department procedure? West Chester Police Department Rules and Regulations Section 2.02 (b) states:

2.02 Members of the department shall:

b) Thoroughly document information from citizens relating to complaints or reports in accordance with existing department procedure.

Policy 321 Incident Reporting states in part:

321.2.2 REPORTING OFFICER'S RESPONSIBILITY

- Conduct a thorough preliminary investigation.

- Document all findings of the investigation in IFR.

SUSTAINED – The allegation is supported by sufficient evidence

Issue #2

Did Officer Jim Thomas #182 violate West Chester Police Department Rules and Regulations Section 1.02? West Chester Police Department Rules and Regulations Section 1.02 states:

1.02 Members shall not commit or omit any acts which constitute a violation of any Rule, Regulation, Directive, Interim Directive, General Order, Special Order, Policy or Procedure of the Police Department or Township of West Chester.

Policy 321 Incident Reporting states in part:

321.2.4 GENERAL POLICY OF EXPEDITIOUS REPORTING

In general, all employees and supervisors shall act with promptness and efficiency in the preparation and processing of all reports. An incomplete report, unorganized reports or reports delayed without supervisory approval are not acceptable.

SUSTAINED – The allegation is supported by sufficient evidence

Issue #3

Did Sergeant Jeff Gearhart violate West Chester Police Department Rules and Regulations Section 1.04 regarding Case Management related to Report 18-1233?

1.04 Members shall exercise the responsibility and authority of the position to which they are assigned in accordance with job specifications and standard operating procedures or practices of that assignment.

SUSTAINED – OTHER – Sustaining of violation or misconduct other than the allegation of the original complaint.

1.02 Members shall not commit or omit any acts which constitute a violation of any Rule, Regulation, Directive, Interim Directive, General Order, Special Order, Policy or Procedure of the Police Department or Township of West Chester.

Policy 321 Incident Reporting states in part:

321.3.2 CIS SUPERVISION RESPONSIBILITY

c. CIS supervision will, at the conclusion of each thirty day period conduct an audit of all active/open to include warrant issued cases.

1. Investigating officers of active, open cases shall be contacted and requested to give an update.

2. Notification to officers will be made by sending notice to the officer's shift commander who will insure that the officer forwards a response to CIS supervision within three working days.

Issue #4

Did Lieutenant David Tivin #58 fail to exercise the responsibility and authority of the position of Criminal Investigation Section Lieutenant as it pertains to CIS Supervisory Responsibility for Incident Reporting? West Chester Police Department Rules and Regulations Section 1.04 states:

1.04 Members shall exercise the responsibility and authority of the position to which they are assigned in accordance with job specifications and standard operating procedures or practices of that assignment.

SUSTAINED – OTHER – Sustaining of violation or misconduct other than the allegation of the original complaint.

1.02 Members shall not commit or omit any acts which constitute a violation of any Rule, Regulation, Directive, Interim Directive, General Order, Special Order, Policy or Procedure of the Police Department or Township of West Chester.

Policy 321 Incident Reporting states in part:

321.3.2 CIS SUPERVISION RESPONSIBILITY

c. CIS supervision will, at the conclusion of each thirty day period conduct an audit of all active/open to include warrant issued cases.

- 1. Investigating officers of active, open cases shall be contacted and requested to give an update.*
- 2. Notification to officers will be made by sending notice to the officer's shift commander who will insure that the officer forwards a response to CIS supervision within three working days.*

This investigation completed: October 26, 2018

A handwritten signature in black ink, appearing to read "M.A. Weingartner", followed by the number "#67" written in a separate, slightly detached stroke.

Sergeant Mark A. Weingartner #67